

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

MALIBU MEDIA, LLC, PATRICK)
COLLINS, INC., and THIRD DEGREE)
FILMS,)
)
Plaintiffs,)
)
v.)
)
VERIZON ONLINE, LLC,)
)
)
Defendant.)
_____)

Case No.: 6:12-mc-00017-C

Actions Pending in:

Eastern District of Pennsylvania

Case No.: 5:12-cv-03959-JS

Case No.: 2:12-cv-05386-CDJ

Case No.: 2:12-cv-05385-WY

Middle District of Florida

Case No.: 2:12-cv-00402-UA-SPC

Case No.: 2:12-cv-00521-JES-SPC

Case No.: 8:12-cv-01668-JDW-TBM

Case No.: 2:12-cv-267-UA-AEP

Case No.: 2:12-cv-00425-UA-DNF

Case No.: 2:12-cv-00444-UA-DNF

Case No.: 8:12-cv-01418-SCB-EAJ

Case No.: 8:12-cv-01419-EAK-TGW

Case No.: 32:8:12-cv-01666-JSM-EAJ

Case No.: 31: 8:12-cv-01667-JDW-MAP

Case No.: 8:12-cv-01665-VMC-TGW

Case No.: 8:12-cv-01764-VMC-TGW

Case No.: 8:12-cv-01767-JSM-MAP

Case No.: 8:12-cv-01822-JDW-MAP

Case No.: 2:12-cv-00444-UA-DNF

Case No.: 8:12-cv-01823-JSM-AEP

Case No.: 2:12-cv-00522-UA-DNF

Central District of New Jersey

Case No.: 2:12-cv-03906-SRC-CLW

Case No.: 2:12-cv-03907-ES-CLW

Case No.: 3:12-cv-04695-JAP-DEA

Case No.: 2:12-cv-05171-SDW-MCA

Case No.: 2:12-cv-05815-FSH-PS

Case No.: 3:12-cv-03898-MAS-LHG

Case No.: 2:12-cv-03905-SRC-CLW

Case No.: 3:12-cv-03900-AET-LHG

Case No.: 3:12-cv-05102-JAP-TJB

**MOTION FOR THE ENTRY OF AN ORDER RETAINING
JURISDICTION OVER THE PARTIES**

Plaintiff, Malibu Media, LLC ("Malibu Media"), moves for the entry of an order retaining jurisdiction over the parties, and states:

1. Malibu Media anticipates trying a copyright infringement case against Verizon's subscriber assigned IP Address 96.245.250.242.
2. Indeed, Judge Baylson set the case on a fast track for a "Bellwether trial." *See* Exhibit A.
3. Malibu Media served a third party subpoena on Verizon. *See* Exhibit B.
4. Verizon served objections to the third party subpoena. *See* Exhibit C.
5. Malibu Media and Verizon's counsel have engaged in extensive good faith negotiations about the scope of the subpoena.
6. In connection therewith, Malibu Media has agreed to substantially narrow the scope of the subpoena.
7. To date, the parties have not reached a resolution. Although, recently, the parties agreed to a deal in principal. The parties' deal is dependent upon the Defendant making certain stipulations. Defendant has not yet agreed to make these stipulations.
8. Consequently, there is still an on-going discovery dispute between the parties.
9. Malibu Media and Verizon will know if they will be able to be amicably resolve their current discovery dispute no later than close of business on February 20, 2013.
10. If the parties' discovery dispute is amicably resolved, Malibu Media will notify the Court on or before February 21, 2013. Contemporaneously, the parties will consent to the closing of this case.

11. If the parties are unable to reach an amicable resolution to their current discovery dispute, Malibu Media will file a Motion to Compel no later than February 25, 2013.

12. It is in the interests of all concerned for this Court to retain jurisdiction over the parties.

13. Undersigned has conferred with adverse counsel who indicated that Verizon does not oppose the entry of an order retaining jurisdiction.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order retaining jurisdiction over the parties. A proposed order is attached for the Court's convenience.

DATED: February 15, 2013

Respectfully submitted,

By: /s/ M. Keith Lipscomb
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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via electronic correspondence and U.S. Mail to: Giancarlo Urey, Esq. [GUrey@mofo.com], Morrison & Foerster, LLP, 555 West Fifth Street, Los Angeles, California 90013-1024, on this 15th day of February, 2013.

By: /s/ M. Keith Lipscomb